IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 19232 of 2005(M)

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PETITIONERS:

1. ROSAMMA, W/O. KUNDUR SUBRAMANIAN,
   KUNDOOR HOUSE, MALAPARAMBU, KOZHIKODE-9.

2. SURENA, D/O. ROSAMMA, DO. DO.

3. SHIMNA, D/O. ROSAMMA, DO. DO.

4. SURAJ, S/O. ROSAMMA, DO. DO.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
   SECRETARY, LOCAL ADMINISTRATION (M) DEPARTMENT
   GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. CORPORATION OF CALICUT,
   REPRESENTED BY ITS SECRETARY
   CORPORATE OFFICE, KOZHIKODE.

3. DISTRICT COLLECTOR, KOZHIKODE.

4. SPECIAL TAHSILDAR AND LAND
   ACQUISITION OFFICER, CIVIL STATION,
   KOZHIKODE-20.

R2 BY SRI.C.M. SURESH BABU,SC,KOZHIKODE CORPN.
R1, R3 & R4 BY SRI.K.J.MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 19232 OF 2005

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF JUDGMENT DT.15.07.02 IN OP NO.17177/02 OF THIS HONOURABLE COURT.

EXT.P2 : TRUE COPY OF THE NOTIFICATION PUBLISHED IN MATHRUBHUMI DAILY DATED 14.09.02.

EXT.P3 : TRUE COPY OF THE OBJECTION DATED 24.09.02 SUBMITTED BY SUBRAMANIAN TO THE RESPONDENTS 2 TO 4.

RESPONDENT'S EXHIBITS:

EXT.R2(A) : TRUE COPY OF THE RELEVANT PAGE OF THE GAZETTE NOTIFICATION DATED 13.09.02.

/TRUE COPY/

PA TO JUDGE.

**PIUS C. KURIAKOSE, J.**

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W.P.(C) No. 19232 OF 2005

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Dated this the 12th day of December, 2007

**JUDGMENT**

This Writ Petition seeks issuance of a writ of certiorari to quash Ext.P1 notification under Section 4(1) of the Land Acquisition Act as well as a writ of mandamus commanding the 2nd respondent Municipality to issue building permit to the petitioner for the construction of a shopping complex. Counter affidavits have been filed by the Land Acquisition officer as well as the Municipal Secretary. Going by the counter affidavits it is seen that land acquisition proceedings are continuing. Under these circumstances, the only relief which can be aspired for by the petitioner is to direct the Secretary of the Municipality to consider and pass orders on the petitioner's application for permit, provided, the notification already issued by the Government under Section 4(1) of the Land Acquisition Act has lapsed.

The Writ Petition is disposed of as above.

**PIUS C. KURIAKOSE, JUDGE**

btt